

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-5, 5-15, 17-28 were rejected under 35 USC §103(a) based on U.S. Patent 5,902,984 to Planke combined with U.S. Patent 6,281,886 to Ranieri.

Planke shows a merchandise dispensing system, wherein an article is obtainable from a merchandising operation after a validated purchase card, which symbolizes the article, has been electronically accepted.

Ranieri shows a touch-screen keyboard for entering the text of languages consisting of multi-byte characters.

The examiner acknowledges at page 6, lines 1-2 of the Office Action that,

"Planke did not explicitly describe a method/system in which the initial non-validated card/token/ticket is dispensed by a mechanism such as a dispensing unit"

The examiner concludes that a person skilled in the art would obviously adapt the teachings of Ranieri to Planke to render applicant's system an obvious modification of Planke.

Applicant submits that the examiner's theory of obviousness is illogical and contrary to well recognized standards for establishing obviousness.

For example, the Federal Circuit stated in *In re Kotzab*, 217 F.3d 1365, 55 USPQ 2d 1313 (Fed. Cir. 2000) that,

"...to establish obviousness based on a combination of elements...there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant...There must be a showing of a

suggestion or motivation to modify the teachings of that reference...”

Applicant submits that if a secondary reference does not logically suggest any solutions to problems found in a primary reference, or if the secondary reference goes against the teachings of the primary reference, then there would be no motivation to combine the primary and secondary references.

Planke shows a system for merchandising articles that is based on the exchange of a pre-programmed card, that symbolizes the article, for the actual article. Planke's system starts out with a self-service shelf that identifies a variety of articles. The self-service shelf also provides a display of cards that are categorized for each article. Thus a card for one type of article cannot be used for the purchase of another type of article.

In Planke's system a card that represents one type of article is dedicated to that article and cannot be changed to represent another type of article. Planke states that the card is pre-programmed and cannot be re-programmed because this makes the card inexpensive to produce (column 3, lines 26-34).

Thus Planke purposely provides a preprogrammed card that cannot be re-programmed because Planke believes that this is advantageous and not a source of problem.

Applicant submits that any problems that are perceivable in Planke are problems that the examiner has discovered by way of hindsight, with the benefit of applicant's teachings.

Applicant's system differs from Planke by applicant's provision of a programmable token that can be correlated with any selected article that is offered for purchase by use of a token. Applicant's token is not pre-programmed as in Planke, but is issued on demand by a printer that is

controlled by an article token selection panel device. The printer provides a non-validated token correlatable with the desired article upon activation of the article token selection panel device.

Applicant thus teaches away from Planke by providing a system that is programmable to generate a non-validated token, from a token-dispensing unit.

The programmability of applicant's token-dispensing unit permits the token-dispensing unit to correlate a non-validated token with any selected product that is offered for purchase in applicant's system. The programmability of applicant's token dispensing unit easily accommodates any product changes or any changed characterization of previously offered products at the token dispensing unit.

As pointed out by the examiner, Ranieri, at column 4, lines 63-67 and column 5, lines 1-7, indicates that his touch screen keyboard for multi-byte character languages can interface with known kiosk devices 13 that provide such functions as touch-screen, speaker, digital video/audio, magnetic stripe/chip card reader, receipt printer, statement printer, laser printer, ticket printer, bank-book printer, PIN pad generic device which are well known in the art and form no significant part of the Ranieri invention (column 5, lines 5-8).

Thus, Ranieri's invention is for a specific type of touch screen keyboard that is adaptable for use with known kiosk devices.

Ranieri points out at column 1, lines 42-60 that a known kiosk can be of the type that allows customers to obtain government services and products such as:

- a) obtain a vehicle license sticker,
- b) pay a fine for a vehicular infraction,
- c) pay a parking ticket, or

d) order a personalized or graphic vehicle license plate.

Ranieri does not show or suggest the issuance of a non-validated token by a printer in a product selection panel of a product merchandising system.

It is submitted that Ranieri deals with entirely different problems than are dealt with by Planke, and that the combination of Planke and Ranieri on the basis that they obviously suggest applicant's claimed system is contrived and illogical.

It should also be noted that Ranieri was filed June 7, 1999, and Planke was filed on October 12, 1994 in Norway. Yet there is no showing or suggestion in Ranieri that the Ranieri system can be used to dispense tokens that are programmable for validation in a merchandise dispensing system.

It is thus submitted that applicant's claim 1 is allowable because it requires the following:

- 1) An article token selection device that displays or identifies articles for sale;
- 2) A non-validated token is issued upon activation of the article token selection device;
- 3) The non-validated token relates to a particular article that is selected at the article token selection device;
- 4) The non-validated token is provided with information relating to a unique token number and/or article type when it is issued by the article token selection device;
- 5) The non-validated token is issued by a printer that is controlled by the article token selection device.

Allowance of claim 1 is thus respectfully requested.

Applicant's independent claim 2 contains requirements similar to those of claim 1, but is of a different scope. For example claim 2 requires that the non-validated token be validated at a check-out unit which provides supplementary information on the non-validated token, or replaces the non-validated token with a validated token. Claim 2 further requires that the validated token is provided with a unique transaction code selected from the group consisting of a serially generated code, a random generated code, a predetermined series of transaction codes, and a unique token number on the non-validated token. Claim 2 also requires that at the check-out unit where the token validation takes place, the non-validated token can be physically replaced by another token from a token printer, or from a supply of pre-made non-alterable, reusable, revalidated, and machine-readable tokens.

Nothing in Planke and Ranieri shows or suggests the requirements of claim 2. Rather Planke teaches away from the requirements of claim 2, because Planke specifically proclaims the advantages of having a non-programmable card. If a person skilled in the art is to combine Ranieri with Planke there should be some motivation, based on a recognized problem in Planke. The examiner has found a problem in Planke but the examiner's proposed solution appears to be based on hindsight gained from applicant's teaching. Accordingly, it is submitted that claim 2 is allowable and allowance thereof is respectfully requested.

Applicant further submits that dependent claims 3, 5, 6, 7, 8, 9-15 and 17-28, which directly, or indirectly depend on claims 1 or 2 are allowable for the distinctions defined therein, and for the reasons supporting allowance of claims 1 and 2. Allowance of claims 3, 5, 6, 7, 8, 9-15 and 17-28 is thus respectfully requested.

New independent claim 29 contains requirements similar to claim 2, but is of a different scope than claim 2. For example, claim 29 requires, among other features, that the validated token consist of packaging for the article that is to be dispensed, and requires that the second transaction code on the validated token be applicable to the packaging or provided by uncovering an area on the packaging. Allowance of claim 29 is thus respectfully requested for the distinctions defined therein and for the reasons supporting allowance of claim 2.

New independent claim 30 contains requirements similar to claim 1, but is a different scope than claim 1. Claim 30, among other features, requires that the validated token be part of the packaging for the article that is to be dispensed and that the transaction code on the validated token be applicable to the packaging or provided by uncovering an area on the packaging. Allowance of claim 30 is thus respectfully requested for the distinctions defined therein and for the reasons supporting allowance of claim 1.

Dependent claims 31 and 32, which respectively depend on claims 29 and 30, are also submitted as allowable for the reasons supporting allowance of claims 29 and 30 as well as the distinctions defined therein. Allowance of claims 31 and 32 is thus respectfully requested.

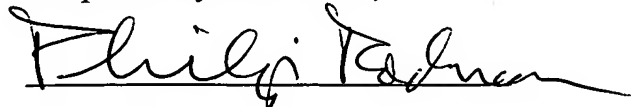
Applicant respectfully submits that he has made a contribution to the state of the art that is not shown or suggested by the patents cited by the examiner. Accordingly, it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Dated: August 29, 2006

RODMAN & RODMAN
7 South Broadway
White Plains, New York 10601

Telephone: (914) 949-7210
Facsimile: (914) 993-0668
1014-20-Amendment

Respectfully submitted,



Philip Rodman, Reg. No. 25,704
Attorney For Applicant